

1984

# Fish And Wildlife Habitat Enhancement Act Of 1984

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# Fish and Wildlife Habitat Enhancement Act of 1984

Official Title and Summary Prepared by the Attorney General

**FISH AND WILDLIFE HABITAT ENHANCEMENT ACT OF 1984.** This act provides for a bond issue of eighty-five million dollars (\$85,000,000) to be available for appropriation to the Wildlife Conservation Board and the State Coastal Conservancy for specified acquisition, enhancement, and development of habitat areas.

## Final Vote Cast by the Legislature on SB 512 (Proposition 19)

Assembly: Ayes 59  
Noes 5

Senate: Ayes 28  
Noes 6

## Analysis by the Legislative Analyst

### Background

In past years the state has financed wildlife enhancement projects, as well as acquisition and development projects for state and local parks, through the sale of general obligation bonds. A general obligation bond is backed by the full faith and credit of the state, meaning that in issuing the bond the state pledges to use its taxing power, if necessary, to assure that sufficient funds are available to pay principal and interest on the bond. Bond acts approved by the voters in 1970, 1974, and 1976 for parks, recreation, and wildlife enhancement made a total of approximately \$31 million available for fishing access and wildlife restoration projects. By July 1, 1984, all of these funds will have been spent or committed to specific projects.

The 1976 and 1980 bond acts also provided a total of \$46 million to acquire coastal lands and finance resource enhancement projects. By July 1, 1984, all but about \$8 million of these funds will have been spent or committed to specific projects.

In addition, the state has financed state and local parks, wildlife conservation projects, fish hatcheries, wildlife habitat acquisitions, and grants for local parks on a "pay-as-you-go" basis, using state tax and other revenues.

### Proposal

This measure would authorize the state to sell \$85 million of general obligation bonds, the proceeds of which would be deposited in the Fish and Wildlife Habitat Enhancement Fund. None of this money could be spent until it has been appropriated by the Legislature. The funds would be available for appropriation for the following purposes:

#### Wildlife Conservation Board

1. Projects outside the Coastal Zone.
  - a. Acquisition, enhancement, and development of marsh- or wetlands for wildfowl and other wildlife \$30,000,000
  - b. Restoration of fisheries and enhancement and development of other wildlife habitat ..... 10,000,000
2. Acquisition, enhancement, and development of marshlands and adjacent lands for wildlife habitat inside the Coastal Zone..... 10,000,000

3. Acquisition, enhancement, and development of habitat for rare and endangered species or fully protected species (such as bighorn sheep and mountain lions)..... 5,000,000

Total, Wildlife Conservation Board ..... \$55,000,000

#### State Coastal Conservancy

1. Grants to local agencies in the Coastal Zone and in the San Francisco Bay region for (a) acquisition, enhancement, and development of marshlands and associated upland habitat and development of associated facilities and (b) drainage improvements to control erosion and sedimentation that damage wetlands. Of the amount allocated for these purposes, \$5,000,000 would be used for projects in the San Francisco Bay region..... \$20,000,000

2. Projects carried out directly by the State Coastal Conservancy ..... 10,000,000

Total, State Coastal Conservancy ..... \$30,000,000

Grand total ..... \$85,000,000

The Coastal Zone, as defined by state law, generally extends 1,000 yards inland from the ocean. In some places, however, the zone extends inland for as much as five miles.

The measure provides that none of the bond proceeds shall be used to acquire land until all practical alternatives to direct purchase have been considered. These alternatives could include land exchanges and trades of development rights.

The measure authorizes the Legislature to appropriate up to \$350,000 from the bond proceeds annually for five years to cover the expenses of the State Coastal Conservancy (\$250,000 per year) and the Wildlife Conservation Board (\$100,000 per year) in administering the measure.

### Fiscal Effect

Approval of this measure would affect state and local government finances in the following ways:

#### 1. Cost of Paying Off the Bonds

The general obligation bonds authorized by this measure normally would be paid off over a period of up to 20 years. Under current law the state can sell bonds at interest rate up to 11 percent.

Given current market conditions, the bonds probably

would be sold at an interest rate of about 9 percent. If the full \$85 million in general obligation bonds were sold at a 9-percent interest rate and paid off over a 20-year period, interest cost to the state would be approximately \$80.3

This cost would be more or less if the bonds were sold at interest rates above or below 9 percent. The cost of paying off the bonds would be paid from the State General Fund, using revenues received in future years.

2. Other Fiscal Effects

Generally, increased borrowing tends to increase interest costs. The state and local governments could incur higher costs under other bond finance programs if the bond sales authorized by this measure result in a higher overall interest rate on state and local bonds. These additional costs cannot be estimated.

The interest paid by the state on these bonds would be exempt from the state personal income tax. Therefore, to the extent that the bonds were purchased by California taxpayers in lieu of taxable investments, the state would

experience a loss of income tax revenue. It is not possible, however, to estimate what this revenue loss would be.

To the extent that additional lands are acquired by the Wildlife Conservation Board, by the State Coastal Conservancy, and by local public agencies as a result of this measure, the agency responsible for managing these lands would incur additional costs. The amount of these operating and maintenance costs is unknown and would depend on how the acquired properties are managed.

To the extent that the state acquires privately owned lands under this measure, local governments would experience a reduction in property tax revenues. The size of this loss would depend on (a) the local property tax rate and (b) the assessed value of the lands acquired. Under existing law, state payments to school districts would increase automatically to cover the property tax revenue losses incurred by school districts, but no state payments would be made to cover the property tax losses experienced by other local entities.

Text of Proposed Law

This law proposed by Senate Bill 512 (Statutes of 1984, Ch. 6) is submitted to the people in accordance with the provisions of Article XVI of the Constitution.

This proposed law expressly adds sections to the Fish and Game Code; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

SECTION 1. Chapter 7 (commencing with Section 2600) is added to Division 3 of the Fish and Game Code, to read:

CHAPTER 7. FISH AND WILDLIFE HABITAT  
ENHANCEMENT ACT OF 1984

Article 1. General Provisions

2600. This chapter shall be known and may be cited as the Fish and Wildlife Habitat Enhancement Act of 1984.

2601. (a) The fundamental requirement for healthy, vigorous populations of fish and wildlife is habitat. Without adequate habitat, efforts to conserve and manage fish and wildlife resources will have limited success.

(b) Assuring adequate habitat, with the resulting increase in the abundance of fish and wildlife, confers substantial benefits on the people of California through the opportunities afforded for the use, enjoyment, and appreciation of fish and wildlife resources, the perpetuation of species of fish and wildlife for their intrinsic and ecological values, and the enhancement of economic activities based on these resources.

(c) Accordingly, the purpose of this chapter is to provide the financial means to correct the most severe deficiencies in fish and wildlife habitat currently found in California through a program of acquisition, enhancement, and development of habitat areas that are most in need of proper conservation and management.

2602. As used in this chapter, the following terms have the following meanings:

(a) "Acquisition" means the acquisition of any interest in real property.

(b) "Coastal zone" means the coastal zone as defined and mapped pursuant to Section 30103 of the Public Resources Code.

(c) "Local public agency" means a city, county, city and county, regional park or open-space district, recreation and park district, resource conservation district, association of governments, or joint powers agency whose jurisdiction is wholly or partially within the coastal zone or in the San Francisco Bay region.

Article 2. Habitat Enhancement Program

2620. All money deposited in the Fish and Wildlife Habitat Enhancement Fund shall be available for appropriation by the Legislature for the following purposes:

(a) Forty million dollars (\$40,000,000) for expenditure by the Wildlife Conservation Board pursuant to the Wildlife Conservation Law of 1947 for acquisition, enhancement, or development, or any combination thereof, of lands located outside the coastal zone for the preservation of resources and the management of wildlife and fisheries, in accordance with the following schedule:

(1) Thirty million dollars (\$30,000,000) for the acquisition, enhancement, or development, or any combination thereof, of lands for habitat for wildfowl and other wildlife benefitted by a marsh or aquatic environment.

(2) Ten million dollars (\$10,000,000) for the restoration of waterways for the management of fisheries and the enhancement or development, or both, of habitat for other wildlife.

(b) Five million dollars (\$5,000,000) for expenditure by the Wildlife Conservation Board pursuant to the Wildlife Conservation Law of 1947 for the acquisition, enhancement, or development, or any combination thereof, of lands for habitat for rare, endangered, and fully protected species.

(c) Thirty million dollars (\$30,000,000) for expenditure by the State Coastal Conservancy for the acquisition, enhancement, or development, or any combination thereof, of marshlands and associated and adjacent lands and the development of associated facilities and for grants to local public agencies for those purposes, in accordance with the following schedule:

(1) Twenty million dollars (\$20,000,000) for grants by the conservancy to local public agencies in the coastal zone and in the San Francisco Bay region for the acquisition, enhancement, or development, or any combination thereof, of marshlands and adjacent lands for habitat for wildlife benefitted by a marsh or aquatic environment and the improvement of drainage into wetlands to control or retard erosion and sedimentation, and biologically and hydrologically associated upland habitat areas. Of the amount made available pursuant to this paragraph, not less than five million dollars (\$5,000,000) shall be available for grants for projects in the San Francisco Bay region.

(2) Ten million dollars (\$10,000,000) for expenditure by the conservancy for the purposes authorized in this subdivision.

(d) Ten million dollars (\$10,000,000) for expenditure by the Wildlife Conservation Board pursuant to the Wildlife Conservation Law of 1947 for the acquisition, enhancement, or development, or any combination thereof, inside the coastal zone of marshlands and adjacent lands for habitat for wildlife benefitted by a marsh or aquatic environment.

2621. An annual amount, not to exceed one hundred thousand dollars (\$100,000), may be appropriated from the funds available pursuant to subdivisions (a) and (d) of Section 2620 in the 1984-85 through 1989-90 fiscal years, in a particular amount to be determined in each annual appropriation, to the Wildlife Conservation Board for expenditure for costs incurred by the board in administering this chapter, as provided in this section. The board shall augment, as needed, any amount appropriated pursuant to this section with an appropriation from any other funds available to it. This chapter is not intended, nor shall it be construed, to authorize the Wildlife Conservation Board or the department to establish any additional personnel positions.

2622. An annual amount, not to exceed two hundred fifty thousand dollars (\$250,000), may be appropriated from the funds available pursuant to subdivision (c) of Section 2620 in the 1984-85 through 1989-90 fiscal years, in a particular amount to be determined in each annual appropriation, to the State Coastal Conservancy for expenditure for costs incurred by the conservancy in administering this chapter.

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## Argument in Favor of Proposition 19

Proposition 19 will benefit every Californian, whether you hunt, fish, enjoy seafood, take nature hikes or just want to help preserve our wildlife.

Your vote for Proposition 19 will help reverse the loss of California's irreplaceable wildlife areas. It will increase the opportunities of all Californians, now and in the future, to use and enjoy our fish and wildlife resources.

The decline of our wildlife habitat areas is shocking: In the last century California has lost 90 percent of its historic wetlands, which provide shelter and food to hundreds of species of birds as well as fish and other wildlife. The pressure on these and other fragile lands grows each year with the expansion of our population.

There is a simple law of biology: Fish and wildlife need a place to live. All of our efforts to conserve, manage, and protect wildlife will fail if we do not provide for this basic need.

There has never been an opportunity like Proposition 19 for the voter to help fish and wildlife so directly. Funding for the purchase and improvement of wildlife areas has always been insufficient to get the job done. This modest bond measure will significantly improve California's fish and wildlife management programs.

#### YOUR VOTE FOR PROPOSITION 19 WILL MAKE POSSIBLE:

- Purchasing and protecting wetlands and assuring better water supplies for existing waterfowl habitat areas.
- Removing logjams and other obstructions from streams which are home to trout, steelhead, salmon, striped bass, and other important species.
- Securing land for endangered species and other threatened species with special habitat needs.

- Grants to local government for the protection of coastal marshlands that serve important aesthetic and recreational needs.
- Preventing siltation of bays, thereby protecting habitat for fish and birds as well as expanding boating opportunities.

Proposition 19 makes good economic sense too. The fishing industry as well as many of our recreational industries depends on the existence of enough habitat areas to support our fish and wildlife populations. And if we wait, wildlife lands will become increasingly expensive and may be lost forever. The bond financing called for in Proposition 19 prudently and equitably spreads our investment in wildlife over a period of years.

This measure was drafted with the assistance of the California Department of Fish and Game, the Wildlife Conservation Board and the State Coastal Conservancy as well as many statewide organizations representing hunters, anglers, commercial fishermen, and wildlife protection groups. Proposition 19 has broad, bipartisan support and provides an opportunity for all Californians to join in the effort to conserve our wildlife resources for generations to come.

GARY K. HART  
*State Senator, 18th District*

ROBERT PRESLEY  
*State Senator, 36th District  
Chairman, Senate Natural Resources  
and Wildlife Committee*

GEORGE DEUKMEJIAN  
*Governor, State of California*

## Rebuttal to Argument in Favor of Proposition 19

There is no question but what our fisheries and wildlife resources need to be protected. There is no question but what we must make persistent efforts to conserve, to manage and to protect wildlife.

There is a question of whether the historic wetlands which have been lost in California were lost due to the misuse by man of such resources or whether those resources were lost largely due to the effects of nature herself. Some changes can be reversed; others cannot.

There is some question about whether a bond issue, which becomes a state debt, is the best way to raise 85 million dollars for this purpose, considering the nearly doubled cost to repay the bonds and interest.

The issue in Proposition 19 is whether the proposed cure is worse than the problem for Californians.

Do you want to pay increased taxes, the revenue from

which supports a system that expands the capacity of two or three inappropriate state agencies to confiscate additional private land? These agencies can, and do by manipulation of their permit authority, already force the market value of private land to decrease. This bill would give those same agencies the right to buy up that land they have sometimes deliberately caused to lose value.

The dollars proposed here could be a good thing in the hands of other agencies that do not have the permit procedure authority which this proposition's appointed agencies have.

Workers who pay taxes and property owners should certainly vote NO on Proposition 19.

NOLAN FRIZZELLE, O.D.  
*Member of the Assembly, 69th District*

## Argument Against Proposition 19

This ballot measure would authorize the sale of state general obligation bonds in the amount of 85 million dollars. It would cost nearly 166 million dollars to the General Fund for the projected 20-year repayment period.

The funds raised would be available to the State Coastal Conservancy and to the Wildlife Conservation Board, created by the measure. 40 million dollars is to be spent for coastal projects, 40 million for inland projects and 5 million for endangered species habitats.

Currently more than 66 percent of California's land area is owned by either the federal or the state government or managed by one of the two, which exercise absolute authority. The controlled lands derive little tax revenue to any level of government, and, as a result, the citizens of California rely on less than 30 percent that remains of our land to provide all of the property tax revenue raised throughout the state for every level of government and our schools.

The Department of Fish and Game and the State Coastal Commission currently exercise tremendous permit authority over vast tracts of California private property, and their permit authority often ties up productive use of that property for extensive periods of time. Productive use is frequently made impractical as a result of the costs of waiting and waiting through the permit procedures. Thus, the value of such property in the marketplace is reduced tremendously, and this reduction, too often, may have been caused deliberately.

The passage of Proposition 19 would allow the agencies

involved to use their permit-granting authority to devalue private property, then to purchase that private property at forced sale prices as occasioned by their deliberately delayed permit procedures.

Today such permit delays have helped to drive the cost of property, and thus housing, out of the reach of most families by creating artificial scarcity.

This bond issue gives too much added power for manipulation to the agencies and what can amount almost to confiscation to the State Coastal Commission and the Wildlife Conservation Board. Abundant power already lies in the hands of our state agencies which removes the rights of private property from individual citizens.

Interesting bond repayment language is addressed in the fiscal provision of this measure. It states that the authority for all officers charged with the collection of revenue for the state is to collect such sums *in addition to the ordinary revenues of the state as shall be required to pay the principal and interest on these bonds* as they mature each year. That procedure, by any name you want to call it, spells "tax increase" for the purpose of repaying the bonds.

The questionable proposals of this proposition, their costs, and the added grab for authority by state government are ample reasons to ask you to vote *NO* on this expensive measure.

NOLAN FRIZZELLE, O.D.  
Member of the Assembly, 69th District

## Rebuttal to Argument Against Proposition 19

The opponent to Proposition 19 argues that it is too costly to spend 40¢ per person per year to conserve and protect the fish and wildlife resources of this state. We disagree.

On a purely economic basis this proposition is a good investment. Commercial fishing alone is a billion-dollar-a-year industry in this state. Without adequate habitat for commercial fishing species, this industry will lose jobs and provide less tax revenue. The same is true of the many recreational industries that depend on wildlife.

But this is only part of the reason for voting for Proposition 19. Our wildlife resources were inherited by us, and we have an obligation to future generations to improve and pass on this inheritance.

The opponent to Proposition 19 argues that the state and federal governments already own two-thirds of California's land area. This is *false*. Less than 2½% is owned by the state, little of which is prime wildlife habitat.

The opponent also fails to point out that this measure specifically prohibits the use of the state's authority to force the sale of property. Property can be purchased only from willing sellers. No interference with private property rights will occur under this measure.

Proposition 19 is supported by Republicans and Democrats, commercial and sports fishermen, environmentalists and hunters. They have all joined forces to protect our wild birds and fish and animals. Please join us in this effort by voting YES on Proposition 19.

GARY K. HART  
State Senator, 18th District

ROBERT PRESLEY  
State Senator, 36th District  
Chairman, Senate Natural Resources and Wildlife Committee

GEORGE DEUKMEJIAN  
Governor, State of California

and credit of the State of California is hereby pledged for the punctual payment of both principal and interest on the bonds as the principal and interest become due and payable.

5096.256. There shall be collected each year and in the same manner and at the same time as other state revenue is collected such a sum in addition to the ordinary revenues of the state as shall be required to pay the principal and interest on the bonds maturing each year, and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of the revenue to do and perform each and every act which shall be necessary to collect that additional sum.

5096.257. There is hereby appropriated from the General Fund in the State Treasury for the purpose of this chapter, such an amount as will equal the following:

(a) Such sum annually as will be necessary to pay the principal and interest on bonds issued and sold pursuant to the provisions of this chapter, as principal and interest become due and payable.

(b) Such sum as is necessary to carry out the provisions of Section 5096.259, which sum is appropriated without regard to fiscal years.

5096.258. The proceeds of bonds issued and sold pursuant to this chapter shall be deposited in the Parklands Fund of 1984 or the State Coastal Conservancy Fund of 1984, which are hereby created. The money in the Parklands Fund of 1984 may be expended only for the purposes specified in this chapter and only pursuant to appropriation by the Legislature in the manner prescribed in this chapter. The money in the State Coastal Conservancy Fund of 1984 may be expended only for the purposes specified in Section 5096.232 and only pursuant to appropriation by the Legislature in the manner prescribed in this chapter.

5096.259. For the purposes of carrying out the provisions of this article, the Director of Finance may by executive order authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds which have been authorized to be sold for the purpose of carrying out this chapter. Any moneys deposited in the fund for expenditure for the purposes of subdivision (c) of Section 5096.231 shall be appropriated to the Department of Parks and Recreation in the manner provided in Section 5096.260. Any amounts withdrawn shall be deposited in the fund. Any moneys made available under this section shall be returned to the General Fund from moneys received from the sale of bonds for the purpose of carrying out the provisions of this chapter.

5096.260. (a) Except for proposed appropriations under Section 5096.232, proposed appropriations for the program shall be included in a section in the Budget Bill for the 1984-85 fiscal year and each succeeding fiscal year for consideration by the Legislature and shall bear the caption "Parklands Acquisition and Development Program of 1984." The section shall contain separate items for each project, each class of projects, or each element of the program for which an appropriation is made.

(b) All proposed appropriations for the program under Section 5096.232 shall be included in a section in the Budget Bill for the 1984-85 fiscal year and each succeeding fiscal year for consideration by the Legislature and shall bear the caption "State Coastal Conservancy." The section shall contain separate items for each project, each class of projects, or each element of the program for which an appropriation is made.

## Proposition 19 Text Continued from page 17

2623. (a) None of the funds appropriated pursuant to this chapter may be encumbered for any purpose described in Section 1353.

(b) Notwithstanding Sections 31105 and 31106 of the Public Resources Code, the State Coastal Conservancy and the State Public Works Board may not make any acquisition pursuant to the power of eminent domain with any funds appropriated pursuant to this chapter.

2624. Funds available pursuant to subdivision (b) of Section 2620 may be encumbered only for lands constituting habitat that is subject to destruction, drastic modification, or severe curtailment of habitat values.

2625. No acquisition shall be undertaken with funds appropriated pursuant to Section 2620 and no grant of funds appropriated pursuant to subdivision (c) of Section 2620 shall be encumbered until all practical alternatives to direct purchase of the full fee title have been considered. The Wildlife Conservation Board and the State Coastal Conservancy shall establish a procedure to assure consideration of alternatives to direct purchase. These alternatives shall include, but not be limited to, the following:

(a) Opportunities for obtaining the land through exchanges of other publicly held lands.

(b) Tax considerations that may pertain to the contemplated transaction.

(c) Utilization of transfers of densities and density bonuses and other available land use controls.

(d) Purchase of less than full fee title.

2626. (a) All restoration projects which involve the expenditure of funds available pursuant to subdivision (c) of Section 2620 shall be reviewed in accordance with Section 31208, 31208.5, 31258, or 31258.5 of the Public Resources Code, as applicable.

(b) Funds available pursuant to subdivision (d) of Section 2620 shall be encumbered in accordance with priorities of the California Coastal Commission.

(c) Of the total amount available pursuant to subdivision (d) of Section 2620, not more than four million dollars (\$4,000,000) may be encumbered for any single acquisition project.

2627. (a) Funds granted pursuant to subdivision (c) of Section 2620 for any

(c) All appropriations shall be subject to all limitations enacted in the Budget Act and to all fiscal procedures prescribed by law with respect to the expenditure of state funds unless expressly exempted from those laws by a statute enacted by the Legislature. Those sections shall contain proposed appropriations only for the program elements and classes of projects contemplated by this chapter, and no funds derived from the bonds authorized by this chapter may be expended pursuant to an appropriation not contained in those sections of the Budget Act.

5096.261. The bonds authorized by this chapter shall be prepared, executed, issued, sold, paid, and redeemed as provided in the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), and all of the provisions of that law are applicable to the bonds and to this chapter and are hereby incorporated in this chapter as though set forth in full herein.

5096.262. For the purpose of authorizing the issuance and sale, pursuant to the State General Obligation Bond Law, of the bonds authorized by this chapter, the Parklands Program Finance Committee is hereby created. The committee consists of the Governor, the Controller, the Director of Finance, the Treasurer, and the Secretary of the Resources Agency. For the purposes of this chapter, the Parklands Program Finance Committee shall be "the committee" as that term is used in the State General Obligation Bond Law, and the Treasurer shall serve as chairman of the committee. The Secretary of the Resources Agency is hereby designated as "the board" for the purposes of the State General Obligation Bond Law.

5096.263. As used in this chapter, and for the purposes of the State General Obligation Bond Law, "state grant" or "state grant moneys" means moneys received by the state from the sale of bonds authorized by this chapter which are available for grants to counties, cities, districts, local public agencies, and nonprofit organizations.

5096.264. All money deposited in the fund or the State Coastal Conservancy Fund of 1984 which is derived from premium and accrued interest on bonds sold shall be reserved in those depositories and shall be available for transfer to the General Fund as a credit to expenditures for bond interest.

5096.265. Commencing with the Budget Bill for the 1993-94 fiscal year, the balances remaining in the fund and the State Coastal Conservancy Fund of 1984 may be appropriated by the Legislature for expenditure, without regard to the maximum amounts allocated to each element of the program, for any or all elements of the program specified in Sections 5096.231 and 5096.232, or any class or classes of projects within those elements, that the Legislature deems to be of the highest priority.

5096.266. The Legislature hereby finds and declares that, inasmuch as the proceeds from the sale of bonds authorized by this chapter are not "proceeds of taxes" as that term is used in Article XIII B of the California Constitution, the disbursement of these proceeds is not subject to the limitations imposed by that article.

5096.267. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are severable.

purpose, other than acquisition, shall not be encumbered by the recipient until the conservancy has entered into an agreement sufficient to protect the public interest in any improvements constructed pursuant to this chapter with the entity that exercises legal control of the real property on which the improvement is constructed.

(b) The conservancy shall not disburse any grant until the applicant, or any other appropriate managing or operating entity, has entered into an agreement with the conservancy or its designee, or both, sufficient to assure that the property acquired, enhanced, or developed, and any improvements thereon, shall be managed and operated for the purpose for which the grant was requested. No use of the property that is incompatible with that purpose shall ever be permitted.

(c) The minimum amount for which an application for an individual project may be made is fifteen thousand dollars (\$15,000).

(d) Every application for a grant shall comply with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(e) Notwithstanding Sections 31207 and 31257 of the Public Resources Code, funds granted pursuant to subdivision (c) of Section 2620 may be encumbered only for the acquisition, enhancement, or development, or any combination thereof, and the costs incurred by the recipient in planning, preparation of construction documents, fiscal management and accounting, and supervision of construction in connection with the project for which the grant was made. All expenditures made by a recipient of a grant shall be subject to being audited.

(f) Funds granted pursuant to subdivision (c) of Section 2620 shall be available for encumbrance by the recipient for a period of three years after the date when the grant became effective.

## Article 3. Fiscal Provisions

2640. Bonds in the total amount of eighty-five million dollars (\$85,000,000), or so much thereof as is necessary, may be issued and sold to provide a fund to be used for carrying out the purposes expressed in this chapter and to be used to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code. The bonds shall, when sold, be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal and



interest on the bonds as the principal and interest become due and payable.

2641. There shall be collected each year and in the same manner and at the same time as other state revenue is collected such a sum in addition to the ordinary revenues of the state as shall be required to pay the principal and interest on the bonds maturing each year, and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of the revenue to do and perform each and every act which shall be necessary to collect that additional sum.

2642. There is hereby appropriated from the General Fund in the State Treasury for the purpose of this chapter, such an amount as will equal the following:

(a) Such sum annually as will be necessary to pay the principal and interest on bonds issued and sold pursuant to the provisions of this chapter, as principal and interest become due and payable.

(b) Such sum as is necessary to carry out the provisions of Section 2644, which sum is appropriated without regard to fiscal years.

2643. The proceeds of bonds issued and sold pursuant to this chapter shall be deposited in the Fish and Wildlife Habitat Enhancement Fund, which is hereby created. The money in the fund may be expended only for the purposes specified in this chapter and only pursuant to appropriation by the Legislature in the manner prescribed in this chapter.

2644. For the purposes of carrying out the provisions of this article, the Director of Finance may, pursuant to appropriate authority in each annual Budget Act, authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds which have been authorized to be sold for the purpose of carrying out this chapter. Any amounts withdrawn shall be deposited in the fund. Any moneys made available under this section shall be returned to the General Fund from moneys received from the sale of bonds for the purpose of carrying out the provisions of this chapter. The withdrawals from the General Fund shall be returned to the General Fund with interest at the rate which would otherwise have been earned by those sums in the Pooled Money Investment Fund.

2645. All proposed appropriations for the program shall be included in a section in the Budget Bill for the 1984-85 fiscal year and each succeeding fiscal year for consideration by the Legislature and shall bear the caption "Fish and Wildlife Habitat Enhancement Program." The section shall contain separate items for each project, each class of projects, or each element of the program for which an appropriation is made.

All appropriations shall be subject to all limitations enacted in the Budget Act and to all fiscal procedures prescribed by law with respect to the expenditure of state funds unless expressly exempted from such laws by a statute enacted by the Legislature. The section in the Budget Act shall contain proposed appropriations only for the program elements and classes of projects contemplated by this chapter, and no funds derived from the bonds authorized by this chapter may be expended pursuant to an appropriation not contained in that section of the Budget Act.

Not later than October 1, 1985, and not later than October 1 of each year thereafter, the State Coastal Conservancy shall submit to the chairman and vice chairman of the Joint Legislative Budget Committee and the fiscal committees of the Legislature a report on all projects proposed to be undertaken pursuant to appropriations made for the fiscal year commencing the following July 1. The conservancy shall, as needed, make subsequent reports reflecting any significant change in the information submitted in the October 1 report. The conservancy shall wait 30 days before encumbering funds for any project included in any subsequent report.

2646. The bonds authorized by this chapter shall be prepared, executed, issued, sold, paid, and redeemed as provided in the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3, Division 4, Title 2 of the Government Code), and all of the provisions of that law are applicable to the bonds and to this chapter and are hereby incorporated in this chapter as though set forth in full herein.

2647. Solely for the purpose of authorizing the issuance and sale, pursuant to the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 1 of Division 4 of Title 2 of the Government Code), of the bonds authorized by this chapter, the Wildlife Habitat Enhancement Program Finance Committee is hereby created. The committee consists of the Controller, the Director of Finance, and the Treasurer. For purposes of this chapter, this committee is "the committee" as that term is used in the State General Obligation Bond Law, and the Treasurer shall serve as chairman of the committee.

2648. All money deposited in the fund which is derived from premium and accrued interest on bonds sold shall be reserved in the fund and shall be available for transfer to the General Fund as a credit to expenditures for bond interest.

2649. Commencing with the Budget Bill for the 1985-86 fiscal year, the balance remaining in the fund may be appropriated by the Legislature for expenditure, without regard to the maximum amounts allocated to each element of the program, for any or all elements of the program specified in Section 2620, or any class or classes of projects within those elements that the Legislature deems to be of the highest priority.

2650. The Legislature hereby finds and declares that, inasmuch as the proceeds from the sale of bonds authorized by this chapter are not "proceeds of taxes" as that term is used in Article XIII B of the California Constitution, the disbursement of these proceeds is not subject to the limitations imposed by that article.

2651. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are severable.

SEC. 3. Section 1 of this act shall become operative July 1, 1984, if the people, at the June 5, 1984, Direct Primary Election, adopt the Fish and Wildlife Habitat Enhancement Act of 1984, as set forth in Section 1 of this act.

## Proposition 24 Text

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that the public may remain informed; except as otherwise provided in this article.

All meetings of any conference committee shall be open to press representatives accredited by the Joint Rules Committee.

9008. Any such meetings at which the discussion or adoption of any proposed resolution, rule, regulation, or formal action occurs; or at which a majority or quorum of the body is in attendance; shall be held only after full and timely notice to the public as provided by the Joint Rules of the Senate and Assembly.

9009. Nothing contained in this article shall be construed to prevent: the Assembly or the Senate or a committee or subcommittee thereof from holding executive sessions to consider the appointment of members to committees or to the chairmanship or vice chairmanship thereof; or to consider the appointment, employment or dismissal of a public officer or employee or to hear complaints or charges brought against such officer or employee; or an elected public official; or to consider matters relating to internal house management; or to consider assignment of bills to committee; or affecting the safety and security of the State Capitol or Members of the Legislature; its staff and employees; or the Members of the Assembly or the Senate from meeting privately in caucus with members of their own political party.

9010. Each Member of the Legislature who attends a meeting of the Assembly, the Senate, or any committee or subcommittee thereof, where action is taken in violation of Section 9007, with knowledge of the fact that the meeting is in violation thereof, is guilty of a misdemeanor.

9011. Any interested person may commence an action by mandamus, injunction or declaratory relief for the purpose of stopping or preventing violations or threatened violations of Section 9007 by Members of the Legislature or to determine the applicability of this chapter to actions or threatened future action of the Legislature.

9107. There is hereby created the Joint Rules Committee which shall have the membership specified in the Joint Rules of the Senate and the Assembly. The committee herein created has a continuing existence and may meet and act during sessions of the Legislature or any recess thereof and in the interim periods between sessions. The provisions of the Joint Rules of the Senate and Assembly relating to investigating committees shall apply to the committee herein created and it shall have all the

powers and authority provided in said rules; in Section 11 of Article IV of the Constitution of California; and in this article. Any action of the committee shall require an affirmative vote of not less than a majority of the Senate members and a majority of the Assembly members of the committee.

9107.5. Any reference in any code or statute to the Joint Committee on Legislative Organization shall be deemed a reference to the Joint Rules Committee.

9126. Unless specifically exempted from this section, all appropriations for contingent expenses of the Senate and legislative committees thereof, including appropriations previously made which have not reverted to the General Fund, shall be deposited in and credited to the Senate Contingent Fund, which fund is created in the State Treasury. The money in the fund shall be available for the expenses of the Senate and legislative committees thereof, and shall be disbursed under or pursuant to the direction of the Senate as provided in the rules, orders, and resolutions of the Senate; or as provided by the Senate Committee on Rules (which committee has a continuing existence during sessions and between sessions with such powers, duties and responsibilities as the Senate from time to time shall prescribe) as and when thereunto authorized by the Senate. The money in the fund shall be disbursed pursuant to, and the powers, duties and responsibilities of the Senate Committee on Rules shall be as provided by, the rules, orders and resolutions adopted by the Senate at the 1040 Regular Session until modified or superseded by Senate action at a subsequent session.

9127. Unless specifically exempted from this section, all appropriations for contingent expenses of the Assembly and legislative committees thereof, including appropriations previously made which have not reverted to the General Fund, shall be deposited in and credited to the Assembly Contingent Fund, which fund is created in the State Treasury. The money in the fund shall be available for the expenses of the Assembly and legislative committees thereof and shall be disbursed under or pursuant to the direction of the Assembly as provided in the rules, orders, and resolutions of the Assembly; or as provided by the Assembly Rules Committee (which committee has a continuing existence during sessions and between sessions with such powers, duties and responsibilities as the Assembly from time to time shall prescribe) as and when thereunto authorized by the Assembly. The money in the fund shall be disbursed pursuant to, and the powers, duties and responsibilities of the Assembly Rules Committee shall be as provided by, the rules, orders and resolutions adopted by the Assembly at the 1040 Regular Session until modified